S.B.Cr.Misc. 2nd Bail App. No.4844/2007

(Ayub vs. State of Rajasthan)

Date of order : October 03, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.D.S.Udawat, for the petitioner.
Mr.Vishal Raj Mehta, Public Prosecutor.

This is second bail application.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the challan papers and the statement of the prosecutrix PW.9. She categorically admitted that she made a statement before the Judicial Magistrate, Jaitaran under section 164 Cr.P.C. stating therein that she is wife of the petitioner and lived with him as his wife, even in FIR, the allegation is that she was married to the petitioner.

Be that as it may, when the prosecutrix herself admitted in her statement that she married to the petitioner and lived with him as his wife, without commenting on the merit of the case, which may prejudice the case of either party at the trial, having regard to the facts and circumstances of the case and taking into account the oral arguments advanced by both the parties, I consider it just and proper to enlarge the accused petitioner on

bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Ayub s/o Amrad be released on bail in FIR No.22/2007, P.S. Raiapur, Distt. Pali provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-